

Montpelier Design Review Committee
October 27, 2009
City Council Chambers, City Hall

Subject to Review and Approval

Present: James Duggan, Vice Chair; Eric Gilbertson, Nancy Mears, Jay White and Steve Burkholder.
Staff: Clancy DeSmet, Planning and Zoning Administrator

Call to Order:

The Montpelier Design Review Committee meeting of October 27, 2009 was called to order by James Duggan, Vice Chair, at 5:30 P.M. Mr. Duggan explained the advisory process of the DRC to the Development Review Board. They will review the application submitted and review the applicable criteria.

I. 71 Main Street – CB-I/DCD

Applicant: Kevin Crossett

Owner: Tim Heney

Sign

Mr. Crossett said they are moving their store to 71 Main Street, the former location of Stevens & Co. The sign they are proposing is the same sign they have now only resized to fit the sign board and the guitar image is doubled. Where they now have the guitar image on the left they are taking advantage of the extra length on the sign board. The materials and the basic composition is the same as the signs they are using at City Center now and being done by the same sign maker as well, John Miller at Sign Design.

Mr. Duggan asked if this fit completely within the sign band. It appears it goes right up to the brick. Is there any wooden molding there currently?

Mr. Crossett said there is not. It is just a black backboard that extends to the same perimeters you see there. The sign that was there previously was basically plywood painted sign and just fit into that rectangle space.

Mr. Gilbertson said he is putting three gooseneck lights with 75 watt bulbs.

Mr. Crossett is that was John Miller's recommendation. It seems that the other spots in Montpelier that have lights on their signs have three goosenecks.

Mr. Gilbertson said he didn't have problem with the gooseneck lighting, but 75 watts is a lot, particularly with halogen which is a pretty harsh light. He thinks he could get along with less.

Mr. White said the committee has been encouraging a 60 watt equivalent in a compact fluorescent light so there is less energy burned and it gets a little better diffusion and still doesn't give the look of a fluorescent strip light. His recommendation would be to use 60 watts instead of the 75 watt halogen. He also thinks it would actually look better with a border around the white part of the sign and would be easier to build.

Ms. Mears agreed. She thinks it would look nice with a border around it. It would fit nicely into that space with a little bit smaller letters.

Mr. Crossett said he and the sign maker bounced that idea back and forth about the border. He isn't sure how they ended up with no border on the application so he wouldn't have an issue with that.

Mr. White said he would like the words Guitar and Sam a little bit further spaced apart. It reads like it all one word and it is really two words.

Mr. Crossett said it is one word. If it had a border it would force the letters to be smaller.

Mr. Burkholder asked if the façade that is already there create its own border anyway.

Mr. Crossett said it is just a black background.

Mr. Burkholder said he presumes he will keep the nice awning.

Mr. Crossett replied the awning will stay.

Mr. Burkholder asked if Mr. Crossett was looking for a lot more border than already exists or looking for something simpler.

Mr. Crossett said when they are talking about a border they are looking at the space above it but not around the sign.

Mr. Burkholder added the brick has a border effect as well.

Mr. Crossett said probably what is more important is what the consensus around the table may be.

Mr. Burkholder said a border would make the sign interior smaller.

Mr. White said it would make it a little more finished looking sign. It also helps keep bugs and dirt from getting behind the sign and will make the sign last longer.

Mr. Duggan said an adjustment to the scope of the proposal would be to use a 60 watt light bulb instead of 75 watts for the three gooseneck lights. A border around the sign would be an option for the applicant. Mr. White said the border could be a painted wood molding to match the adjacent dark molding around the perimeter of the sign.

Mr. White asked if the molding could be required and not an optional piece if the application doesn't have a preference. Mr. Crossett said he likes the border. Mr. White would prefer it be required.

The DRC reviewed the sign criteria and found the application acceptable. The application was approved on a vote of 5 to 0.

II. 35 School Street – CB-II/DCD

Applicant/Owner: Michael Doyle

New Roof

Michael Doyle had its origins in the fact that the existing roof has been leaking for the past couple of years. Normally, he would just patch the existing roof, but the existing roof has begun to sag towards the middle. The roof itself is under insulated which means it build up ice dams. Water under the snow is beginning to accumulate and that is what is causing the leakage. Rather than replacing the existing roof with a similar flat design he can increase the amount of insulation and the spill off from the roof by putting a cap on the roof. The cap he proposes to put on the roof will have a mansard slope in order to match the existing mansard lines on the historic part of the house.

Mr. White asked if the eave of the new part would be the same height of the eave of the existing house.

Mr. Doyle said it is further back.

Mr. White said they probably won't see that roof.

Mr. Doyle said the roof is not a highly visible roof from any angle. It is at the intersection of Cedar and School Streets.

Ms. Mears inquired if it was not over a garage but a heated space.

Mr. Doyle said it was his father's office and the space is kept heated. The roof would basically add an additional 12 inches of fiberglass insulation with 2 x 8 rafters with 10 inch centers. The garage will stay flat. The back roof will

have a cap that will match the front roof on the porch. The front roof on the porch was part of the original mansard and Victorian design of the building.

Mr. Duggan asked if he would be keeping the flat roof above the garage.

Mr. Doyle said the roof above the garage remains flat because it is the only way it can be done continuous with the building.

Mr. Gilbertson said the roof sags now.

Mr. Doyle replied it has about a 2 inch puddle in the center of it.

Mr. Gilbertson asked if he was going to use any of the old roof to support any parts of the new roof.

Mr. Doyle answered no. The roof is going to be a cap.

Mr. Gilbertson said from his view given the visibility of this building and the fact that the top story has all been rebuilt and doesn't have the original windows in it he thinks a simple pitched tip roof would be better.

Mr. Doyle said it would be less expensive, but it wouldn't have the Victorian mansards.

Mr. Gilbertson said he thinks it would give him a better angle for drainage.

Ms. Mears said she doesn't see the mansards represented.

Mr. Gilbertson said the mansards on the original building are in the front, and it was on this building at one point. The mansards are a lot steeper on the house in the front.

Mr. Doyle said one day he would like to restore the third floor mansard with the original mansard curve which would be an excellent thing to do with a building of its age and history. The back flat roof is what they are trying to achieve the effect on.

Mr. Duggan said that even has a pitch to it. It is sort of a faux mansard.

Mr. Doyle said that is what he is proposing to do. It is not a flat roof on top. There is going to be a ridge on the top. That ridge is going to be about an 8.5 degree slope and it is going to go out about 12 feet to a mansard curve. Steve Ribolini is the builder.

Mr. Gilbertson said if he did a hip roof he could get a little more pitch on it. He might be able to get away with a shingle roof if he used the ice and water shield underneath it.

Mr. White said he would put the shield on anyway. Then, he thinks it would look better with asphalt shingles on it.

Mr. Doyle said if they look at the existing roof there you will see it has asphalt shingles. The roof he intends to build would blend right in with it.

Ms. Mears said if it appears to match the true spirit of a mansard roof it has to be higher.

Mr. Duggan said in order to be a mansard you actually have to occupy the space within it. The mansard roof originated in France when they were levying people taxes on the amount of floors they had. What he has on the front portico the hybrid roof is not the original either. You can tell by ghosting along side that there was probably a grander portico there.

Mr. Doyle said he has some pictures going back to 1927 on the house and the front roof has very little change.

Mr. Duggan said he wonders if this design might be creating a false historic style. The sort of roof above the portico is somewhat of an awkward detail to replicate on a much larger roof. He agrees with Eric's suggestion of a simpler hipped roof, even if it had a little bit of body to the side walls to give that mansard effect. That might be a bit more accurate and certainly cheaper.

Mr. Gilbertson said one of the things that is creating a false historic appearance and isn't really matching the mansard that was there and putting a pitched roof on top of it.

Mr. White asked if the top would be a gable or a hit going back.

Mr. Doyle said it could be made to slope back. He would prefer to have just one slope which would be similar to the one on the porch; as a matter of fact, an exact match to the one on the porch.

Mr. Gilbertson asked which way the roof pitched now.

Mr. Doyle said the flat roof doesn't pitch. It is just absolutely flat. It has a drain, but the drain isn't on the center, and the drain hasn't worked for years. When his father built that roof back in the 1960's he believed he planned on building an additional story on top.

Mr. White said they need to remember the addition to the depot was a dead flat roof to the point when he looked at it when they were repairing it he thought it was a reflecting pond because the water was perfectly smooth and didn't drain at all. He feels with Mike's roof he doesn't have a problem with the curve of the mansard he proposes except the top of it should slope back so you don't see that part. Then, it would be consistent with what you have on the front porch except it would look better if it was further back and there wasn't the gable on the front. It also would be harder to do some type of asphalt shingles on the little peak. He is a little concerned if they did a gable roof steeper that the whole thing would be too tall. Therefore, he would vote for the general design with the exception of making the upper part of the roof hipped instead of gabled.

Mr. Doyle said he could do that. It's a bit more expensive, but it can be done.

Mr. Duggan asked if another possibility would be to make a mansard parapet type where you have the mansard look. He could have just a simple sloping roof that is behind it. He agrees with Jay. It's not the mansard but the gabled roof on top of it. Trying to reclaim some more of the purity of the mansard but still have it function as a draining roof.

Mr. Doyle said they could do as they have suggested by making it a four-way hipped roof. You would actually fit exactly the definition of a mansard roof, which is a four sided roof with two different slopes. The curve is essentially a decoration. He looked on the internet for examples of mansard roofs around the country and what he found was they have a particular type of mansard roof in the Central Vermont area which really isn't found anywhere else. That is the mansard roof with a 45 to 30 degree slope. There are many kinds of mansard roofs but the only place you see that particular bell mansard roof is right in this area.

Mr. White said his proposal would be to do the mansard roof curved at the bottom and the hip roof at the top and the whole thing has asphalt shingles on it.

Ms. Mears said it has this minimal slope you can't do that with.

Mr. White said they would have to cover it with an ice and water shield first and then put the asphalt shingles on it. The asphalt shingles themselves will not keep the water out because it is too shallow of a pitch. They would need to do the ice and water shield underneath to resolve that. It would also make it look more finished.

Mr. Doyle said if he wins the lottery the third floor is something he would like to restore.

Mr. Duggan said the adjustments to the scope of the proposal in that the roof will be constructed with a curved lower section and a hipped rather than a gabled upper section and covered with asphalt shingles to match the existing asphalt shingles.

Ms. Mears said to add to what Eric said she tends to agree that if it isn't a true mansard it isn't that important for it to be there and it is falsely proposing itself. It's not historically significant to do it that way.

Mr. White said it is what the owner wants to do and it is consistent with other parts of the same house.

Mr. Duggan said it is consistent with alterations.

Mr. White said it isn't very visible.

The DRC reviewed the criteria.

- Preservation or reconstruction of the appropriate historic style.

Mr. Gilbertson said he has a tough time with that one. They should at least add a comment. If that is what the owner wants to do, but it isn't historically correct.

Mr. White said the committee can say that it isn't historically correct.

Mr. DeSmet said they can say it is unacceptable but it doesn't mean the application doesn't pass.

Mr. Duggan said they don't vote on the individual criteria.

Mr. DeSmet said they vote on the application.

Mr. Duggan said if they don't have a consensus on a particular criteria, how is that accurately reflected here as to whether it is acceptable or unacceptable.

Mr. White said he thinks most of the committee is saying that it is not historically a precedent.

Ms. Mears said they are also saying they aren't going to deny the application because of that but we need to recognize that it is not historically correct.

Mr. Gilbertson said that would show up in the minutes.

Mr. Duggan said they aren't accepting that part of the criteria.

Mr. Gilbertson said he feels comfortable with that being part of the record just because it isn't very visible. You need to really look around to even see this roof. If this was out on the street he would be adamant that it not occur.

Ms. Mears said there are other instances in town where he has seen something like this done.

Mr. Gilbertson said there is a person down on Barre Street that just put a gabled roof over the top of his whole flat roof. It is very odd and a very difficult situation.

The Design Review Committee reviewed the remainder of the criteria. Mr. Duggan asked all those in favor of the application as proposed with the adjustment of the roof being constructed with a curved lower section and hipped rather than gabled upper section and covered with asphalt shingles, and the vote was 4 to 1 with Mr. Duggan voting no.

III. 6 Cliff Street – HDR/DCD

Applicant/Owner: Bob Sheil

Replace siding and windows.

Bob Sheil said he was here on September 15th. He isn't sure if they had an opportunity to read the minutes. He thinks they accurately reflected the meeting that occurred on the 15th so he doesn't know if it makes sense for him to give a brief summary for Mr. Burkholder's benefit or not.

The first matter he needs to raise is whether the committee members and Clancy received a copy of his letter of October 20th concerning member Jay White's participation. He doesn't know how they plan to proceed with that issue.

Mr. DeSmet said the Planning Department doesn't think it is a conflict. It is up to the Committee if they want to decide to vote on that matter.

Mr. White said he would like to clarify. Mr. Sheil was concerned that because he had written an article for The Bridge regarding other alternatives to vinyl siding and historic windows that perhaps that was a conflict of interest because his project has exactly that. His own feeling is that it is not a conflict of interest because there is no financial gain to him either way. It makes no way to him financially whether his application is approved or not approved. On the other hand, if he had hired him to advise him on this it certainly would have been a conflict of interest. He just wants to clarify that there has been no financial gain for him one way or another about any issue. He is also very concerned about having a resident feel like he is being ganged up on by city government, and in that case it might make sense if he isn't participating but not because of a conflict of interest. On the other side, if there is no an adequate quorum and he would have to cast a vote in order to have the process move forward he would probably prefer to do that. He does want to clarify that he thinks it is probably not correct for him to assume that he would vote against his project. He is a firm believer of individual rights on owned properties in many respects if they are doing something that is not harming a lot of other people, especially in his case where he has already done a significant amount of work on it. He thinks the insulation he has proposed to put in under the vinyl siding does help with the freezing of the outside surface and water infiltration. On the other side, he thinks the precedent of changing windows and vinyl siding on historic buildings is not a good precedent to set in an historic district and he thinks it over time diminishes the value of the buildings, and it physically diminishes the value of the buildings for the reasons Eric pointed out last time we met. You can actually cause significant damage by trapping water in the walls. The reason he wrote the article wasn't just before he had come before the DRC. He is one of several who have come before the Committee with either siding or windows issues. It seemed to him there was a general consensus that people didn't understand perhaps there is another reason to not change the windows or put vinyl siding on and that you can get as much energy efficiency without doing that. We are fortunate in Vermont to have a number of people that can do those repairs. Looking at the price he has on his proposal it could be done at less cost than what he is doing. He would not want to proceed as a full member of this particular application if anyone at this Committee thought it was a conflict and he would withdraw. He would need 100 percent approval that it isn't a conflict, and then he would proceed as if it is not a conflict.

Mr. Sheil said he would like to point out that he is not saying it is an actual conflict. There is all of the language in the policy about appearance, and that is more of what he was concerned with. He in no way felt any animosity toward him.

Mr. DeSmet said his boss wrote an article on green roofs. It would probably be difficult to get a green roof approved in a Design Control District. That is a similar situation with the article in The Bridge. If a city official writes an article on something that wouldn't be approved, although it is something that could be appropriate at times, it could have the same effect.

Mr. Sheil said it is definitely up to this group of people to make that decision. He felt it was an issue he needed to raise.

Mr. DeSmet said it is up to the Committee and not his decision.

Ms. Mears said she feels they all have their knowledge of things and opinions about things and the fact he put it in the paper doesn't necessarily mean that he doesn't have that opinion anyway. His expertise and his knowledge are really valuable to the discussion, so she would vote to keep Jay in the discussion.

Mr. Gilbertson said his feeling is that it is unfortunate, but if he doesn't have any objections to being in he is neutral. He thinks the appearance of conflict part he understands why he noticed that. Having been involved in regulatory matters for 35 years it isn't too good to make public statements about things you are deliberating or being a party to.

Mr. Burkholder said he wasn't familiar with the situation but will relay on the rest of the Committee to keep him abreast of what is going on. He certainly doesn't have enough knowledge to vote yes or not, but it doesn't sound like much of a conflict to him.

Mr. Gilbertson said he thinks the potential for conflict here is really minimal, but the appearance piece of it is something the public really picks up on. Most conflict of interest policies have that in there.

Mr. DeSmet said he wanted to inject the rules. If the person doesn't voluntarily withdraw the rest of the members have to vote. He appreciates the discussion. Should Jay White recuse himself because of an appearance of a conflict of interest? It requires a majority vote.

Mr. Duggan said if Jay were to recuse himself would they still have a quorum in order to go forward.

Mr. DeSmet replied yes because they have an alternate member present.

Mr. White said he would then recuse himself from the voting. He will take part in the discussion but will not vote on the application.

Mr. Gilbertson said the only issue would if there was a 2 to 2 vote and if he voluntarily recused he couldn't jump back in again.

Mr. White said he would rather recuse than to have the appearance there was a problem.

Mr. Duggan said for the record he doesn't feel there is a conflict here, but he does appreciate the appearance.

Mr. Gilbertson said if Jay's views had been different in his article than what he expressed at the meeting, then he would feel a little differently about it, but they were consistent with what he said at the meeting.

Mr. Duggan asked Mr. Sheil to bring the Committee up to date with his application.

Mr. Sheil said he looked at Cityscape and read some of the minutes of older meetings. He consulted with someone who had been recommended by Efficiency Vermont. He was looking at the regulations and criteria again, and in doing so he once again looked at the buildings in his neighborhood which he basically thought the Cliff, Coarse, Witt Place and Court Street basically constituted a fairly natural neighborhood. There are 44 buildings in the neighborhood. Three of those are brick. Of the remaining 41 when he looked in the city records when there was a 1978 inventory done for the first Montpelier Historic District application five of those properties were listed as having exteriors of other than wooden clapboards. In the subsequent Montpelier Historic District amendment in 2006 that number increased by six; it went up to 11. He thinks a number of them may have been without benefit of going through this procedure. He knows two in particular on Court Street when he went in to speak with Clancy and looked at the records there was no indication of them ever having gone through a permit process. The reality is at this point of time 11 of the 41 didn't have a permit. He then went on to look at the criteria in the statute and the zoning regulations. It appears to him what the Committee needs to look at when evaluating the zoning applications is the terminology that is employed. In other words, it says things like appropriate historic design, harmony of exterior design with other properties in the district, compatibility of proposed exterior materials with other properties in the district, and the prevention of the use of incompatible exterior materials. He thinks by using such terms as compatibility and harmony rather than more restrictive language, such as consistency or uniformity, the regulations purposely allow there to be some leeway in that interpretation.

In the 2006 Montpelier Historic District amendment 25 percent of the properties in his neighborhood had exteriors that were vinyl, aluminum or asbestos. The type of siding he is proposing, the vinyl, is compatible with the exterior materials of other homes in his neighborhood within the Design Control District. He thinks it is harmonious with the exteriors of other properties in the neighborhood. If he maintains all of the wooden features except covering the existing clapboards he would be preserving the appropriate historic style of the neighborhood. The vinyl siding is not incompatible with the exterior materials used in other properties around him. He doesn't think the Committee should reject the use of vinyl siding out of hand.

He would also ask the Committee to remember the purpose or the intent of the zoning regulations, which appears to provide guidance and not mandates. He is seeking the best sort of combination of efforts to reach a resolution in this matter given the present situation and the possible costs and trying to achieve the design goals of the ordinance. The design control regulations were written to encourage a balance between property owners' needs and requests while maintaining an attractive and historic style within the district. They should promote the use of buildings and property in a manner that meets present day needs while preserving those features which are significant to architectural, historic or cultural values. That is when he started to look at the Cityscape book. This was basically produced in 1976 as part of the Master Plan that was part of the process of developing this in the Development Review Board work sometimes. He noted that the purpose was to serve as a guide for the Design Review Committee or the Planning Commission in carrying out its responsibilities and the intent to preserve and enhance the architectural character of Montpelier while providing a framework for economic revitalization.

He specifically looked at the section of Cityscape that is entitled Restoration Techniques. The section of the workbook which is entitled Restoration Techniques is a subsection called siding and details. In part that states: "Clapboard siding is without question the most common 19th century siding material. However, the availability of synthetic substitutes for wood clapboards means that the relative merits of wood, aluminum and vinyl clapboard siding must be considered from the standpoint of expense while durability. It should be remembered that nothing will look better than the original siding material." He agrees with that. It goes on to state: "However, synthetic siding is often blamed for spoiling the character of an old building. However, it should be pointed out that it is not the material that it is to blame but the way in which it is applied. Architectural details such as corner boards and trim around windows and entrances are removed and either are not replaced or with replaced with synthetic equivalents. Other details such as cornices are removed and replaced with siding. Aluminum and vinyl clapboards are imitation materials and should only be used as if they were wood clapboards. They should only be applied to surfaces originally covered with wood clapboards and to be cut to fit around architectural details, even corner boards."

Then, the conclusion made was: "If the synthetic siding is applied in this fashion there is no reason why the architectural character of the building should be spoiled."

He brings this up because it is in reference to some former actions of this Committee, and that in particular he is talking about the minutes of a meeting which took place of June 5, 2007 which we discussed before having to do with the property 7 Hubbard Street, which he realizes is not in the Historic District but is within the Design Control District. Margot George who was Chair of this Committee at this point and time, and who was honored this last week of part of the Historic Preservation Week, talked about the language he just quoted in Cityscape and said the reason the above section regarding siding is included in the Cityscape document is that it is important to maintain the historical integrity of the building.

He thinks the technology around vinyl siding is greatly improved over the last 30 years. He picked a color that is identical to the color of his home as it is now and he actually believes that applying the vinyl siding will improve the appearance of the house. At that June 5, 2007 meeting the Hubbard Street property which was under discussion Ms. George remarked it was clear according to Cityscape if you replaced wood clapboard with vinyl clapboard that is the least offensive treatment. The original elements, window trim, corner board, and anything that is not clapboard must remain as wooden material. They discussed the application of Mrs. Lowell at that time and there is a lot of language that talks about all other elements which are to remain wood, including the corners, window trim, porch elements, lattice beneath the porch. After the discussion and some observations said the appearance of vinyl will be minimal. After that discussion the adjusted application received unanimous approval of the Design Review Committee. Eric was a member at that point in time as was Steve Everett. He just wanted to bring that up to put things into

perspective. He has a picture of the Hubbard Street property. It appears to be in conformity or harmony with other properties in the Design Control District.

There were concerns about possible moisture in his home. He did contact Efficiency Vermont and got a list of names of people in the area from them. He contacted a named Will Fitzpatrick who runs Shelter Construction out of Plainfield. He came to his house about a month ago and was supposed to have an estimate for project costs last week. He spoke with Mr. Fitzpatrick who had a meter he put up against the wall and said some areas do have moisture in them, more moisture than they probably should have. He said he could come up with a plan to minimize moisture concerns which would include sealing off the basement, installing fans in the bathroom and kitchen, and he could also come up with a further plan to improve the air barrier in the interior of the house. He believed that once that was done the moisture concerns would be effectively dealt with.

His goal in this process is to try to work with the Design Review Committee to try to move on. He wasn't aware that he was in the Design Control District when the project began. A couple days after it started Clancy gave him a call and he talked to him about it. He went home and told the contractors to stop working, and he has tried to figure out where to go from here. One wall is sided. The back wall is half sided and there is insulation around the remainder of the house. He wanted to point out that similar to the decision that was made in 2007 he is more than willing to amend the application to say that clapboards would only be put on existing clapboards. They wouldn't go on corner boards or any other wooden materials. He would be willing to withdraw the part of the application dealing with the windows. He has educated himself through some friends and through comments this Committee made on possible restoration and how he would go about that. He is willing to forego putting new windows in the house at this point in time. One concern is they had to take off all the storm windows when they started putting things up and those are still off. He is hoping they can come to some resolution to this matter.

Mr. Gilbertson said the photograph looks like the trim has been removed from around the windows.

Mr. Sheil said it has been. His intent is to replace any wooden trim they took off. He knows below the sill below the window is still there.

Mr. Duggan said one of the other issues is the vinyl corner boards.

Mr. Sheil said they were put up before the whole process started.

Mr. Duggan said there is going to be an issue on how that would terminate. He has done a very good job at research. However, a couple of clarifications that need to be made are that is his house is actually in a low density residential district. Court Street, which is where most of these houses that have the vinyl and aluminum, is civic high density. There is a difference between the Commercial Business District I and II as far as what things are permitted. His sidewalk survey only gave about 4 buildings in his area that have aluminum or vinyl. Three of those are aluminum, which is a very wide exposure, that matches up the street some wide wood sided houses, and it is also indicative of very early alterations. Aluminum siding certainly predates vinyl projects and could even potentially predate the 1978. He appreciates that this issue has come up before the Board before. For instance, from a personal standpoint, he was not part of those decisions and he is here now to go forward with the preservation of the historic fabric of the district. While he appreciates his numbers he doesn't think they are quite as relevant or as precise as they are.

Mr. Sheil said he knows that 10 Court Street, 22 Cliff Street, 24 Cliff Street, and 1 Waverly.

Mr. Duggan said he also knew that because about a decade ago he lived right up in an apartment in John Armstrong's house so he is very familiar with the neighborhood. He knows that 1 Court Street and all of the houses below him have been rehabilitated within the last 10 years and have used existing fabric in place of wood, refurbished windows, and some of them are actually award winning rehabilitation projects right adjacent to him. He thinks the argument can go both ways. He sees that there are these materials in the district, but he doesn't think that makes that an appropriate choice still at the moment. He personally feels that the way it is attached and the details that it is obscuring, even if he were to keep some of the wooden details, are going to be problematic. When was the last time the house was painted?

Mr. Sheil said the last time the house was painted was around 1993.

Mr. Duggan asked if the garage or barn in the back painted at the same time.

Mr. Sheil replied no.

Mr. Duggan asked how old was the paint job on that?

Mr. Sheil said he had no idea. He hasn't painted it since he moved in.

Mr. Gilbertson asked how long he had lived there.

Mr. Sheil replied he moved there in 1987.

Mr. Duggan said in surveying the building from the road he noticed peeling paint all over, not just on the places that could have been insulated. The alligatoring and cracking of the paint and general common deterioration happens where you can still see one or two sections on the main body of the house but also on the porch, railings and lattice work. It all seems to be consistent. He said it doesn't look like it hasn't seen paint in awhile and he felt quite certain it wouldn't hold paint because it was peeling. Certainly, moisture will contribute to that.

Mr. Gilbertson said it was painted in 1993. That is a pretty long life for a paint job.

Mr. Sheil said it started peeling around 1995 or 1996.

Mr. Duggan said that could perhaps be indicative that he didn't get a quality paint job at that time. There is the potential for that. Regardless of what advances we have had with vinyl it is still one of the most toxic materials within the building industry. From a personal standpoint it is not a compatible material. He doesn't believe it is compatible with the buildings and materials used within the district. He feels it is just irresponsible. He is troubled again with the fact that after living in the home for 22 years that claiming ignorance of the law is a defensive position.

Mr. Gilbertson said he is really sympathetic to what has happened with Mr. Sheil. It puts all of them in a tough position in the sense they realize it is a huge impact on him. He personally feels he wouldn't be doing his job if he voted yes at this point. The design review book the division he works in paid for a good part of that, and he was actually part of the review. At that point the vinyl siding people were suing that said anything negative about vinyl siding so this was written and rewritten to hedge that issue. The thinking about vinyl siding has changed in the last 33 years. Maybe it is okay if you leave all of the trim and everything, but certainly a lot better if you do it that way. There are still a lot of issues with vinyl siding. He really appreciates the work he did in looking at the National Register nominations and doing research of the neighborhood, but he would be hard pressed to make the argument that if 25 percent of the houses in the neighborhood have some kind of other siding on them, some which may have been put on 50 years ago such as the asbestos siding, he has a hard time making the argument that vinyl siding is inconsistent with the neighborhood. He certainly doesn't want to be the person who says that every building should exactly like. He has thought about this every since Mr. Sheil came in and gone by his house a couple of times, and he doesn't feel he would be doing his job if he voted yes for this. He doesn't know what the resolution is. Even being sympathetic he couldn't bring himself to vote for it.

Mr. Sheil thanked him for his sincerity and his straight forwardness.

Mr. White said by adding the $\frac{3}{4}$ inch insulation and the vinyl siding you have pushed the surface out.

Mr. DeSmet told Mr. White he couldn't participate at all.

Ms. Mears said it is going to go beyond the corner boards so there will be an odd detail connection between the existing corner boards and how much materials he has put on there already. It again would make him have to go back and either put on new corner boards that are $1\frac{1}{4}$ inches so they project beyond. It is almost like compiling bandaids on top of bandaids instead of getting to the problem.

Mr. Gilbertson said at this point it is very difficult to go back and do what they did to the Hubbard Street house just from a technical construction standpoint because he has taken so much of the trim off. One thing that did move him in a positive position is his willingness to drop the windows. He does appreciate that as an effort to come to some type of agreement.

Mr. Duggan said he thinks there is probably some indication of how we may vote on this. Would Mr. Sheil like the Committee to vote on his application as proposed, or would he like to consider the Committee's comments some more.

Mr. Sheil said he is always willing to listen to their comments. He would love some direction.

Mr. Gilbertson said one of the compromises he thought about involves a certain amount of reversal on the applicant's part. Finish up the rear of the house and the front three sides bring back to clapboard. That is the one thing he could come up with. He hasn't been up by his house since the leaves have gone off. He doesn't know how visible it is. It sits back in the woods pretty well. That is one solution. He doesn't have any ideas to get anywhere other than that one which he thinks is a bad idea. As he proposes the project he will vote no. Maybe the best thing to do is fill out the form, get an answer and take it to the DRB. One of the members would be at the DRB meeting explaining why they should not give him a permit to do this.

The DRC reviewed the criteria. The project description would be replace the siding with similar vinyl siding and replace the windows.

Mr. Sheil said in an effort to reach some type of resolution he would be willing to drop the windows, but if they can't reach a resolution there is no point.

Mr. Burkholder said following up with the comment about the wood trim having to modify what is already there to accept the siding he has, if he is a homeowner in his position he is wondering what his alternatives are. Stripping off three sides of already established vinyl siding and insulation as opposed to getting some contractor in there to do the trim work necessary to meet the criteria.

Mr. Sheil said the district is a pretty fine and jagged line where the district is.

Mr. Duggan said the vinyl has nothing to do with one subset of the districts within the other. It is within the whole district he is referring to.

Mr. Burkholder asked if vinyl was not acceptable at all, or just under certain circumstances.

Mr. Duggan said he would vote that it is not. Personally, he would vote that it is not acceptable within the district.

Mr. Gilbertson said it is a collective opinion as to whether this meets the standards consistent with the neighborhood. Really, their individual opinions go into a collective decision. There is really no hard line between yes and no. If it was crystal clear as to what is permitted and not permitted then they wouldn't need the Design Review Committee. One thing they did on the Hubbard Street project was rout out the repair they put on so the vinyl would actually go underneath it.

Mr. Sheil said he didn't think that was mentioned in the minutes.

Mr. Burkholder said does keeping the existing windows seem to work with everybody here. That is something Mr. Sheil is offering as a compromise.

Mr. Sheil replied that was right.

Mr. Burkholder said apparently there is an objection to putting in new windows.

Mr. Sheil said when he came to the meeting on September 15th there was a lengthy discussion about not replacing the windows.

Mr. Burkholder said Mr. Sheil is willing to forego that and that satisfies what the Board had decided.

Mr. Sheil said he would be willing to forego that if we could reach a resolution.

Mr. Burkholder said they are talking about him possibly putting trim on your house to make the vinyl more aesthetically pleasing.

Mr. Sheil said that is something he would be willing to do.

Mr. Gilbertson said he isn't sure it really can be done. He would want to see a specific proposal on how that would be accomplished from a contractor because from what he sees there he doesn't see how it could be done.

Mr. Burkholder said he has vinyl on his house and doing that would be a real challenge, but it doesn't mean it can't be done.

Mr. Gilbertson said he isn't sure that would change his opinion on that.

Mr. Burkholder said if that were the case, would he have to reapply?

Mr. Gilbertson said at the last meeting they just tabled it. If the DRC rejected the proposal he would have to reapply for another permit at some point unless the DRB approved it. The other option is to table it and then it is two weeks to the next meeting.

Mr. Sheil said it is at a point in time where he needs to move forward. It has been two months since this arose and it just hasn't yet been resolved. The storm windows are off and the breezes are blowing through the house. He needs to get something done.

Mr. DeSmet said typically when a member hasn't presided over the matter earlier, nor has that person been caught up to speed on the matter, they typically aren't allowed to vote. If he is making suggestions after not being informed it is a little bit difficult to get to that point?

The DRC reviewed the criteria and found the application unacceptable. The applicant did an inventory and found that approximately 25 percent of the buildings in the neighborhood had some kind of not original siding material. 25 percent does not achieve a compatibility standard. That would also apply to criterion #2. The photographs the applicant showed of the project indicated a loss of trim.

Ms. Mears asked if he received an estimate for a paint job on the house.

Mr. Sheil replied no because the two or three painters he spoke to back in the early to mid 90's when it started peeling that it would be pointless to paint it, which is where they got where they are. He hasn't dealt with this situation for a long time and trying to figure out how to deal with it with the energy credits he determined to do it. Since paint wasn't going to work he should have more insulation put on and the alternative siding.

Regarding the compatibility of the proposed exterior materials with other properties in the district, the applicant is unacceptable.

Mr. Gilbertson said it should be added that the work was begun before the application was filed. The work was partially completed before the application was filed.

Ms. Mears said that is what makes this an extremely difficult process. The fact he has already done that can't change the way the Committee looks at this project.

Mr. Duggan said they are all sympathetic to his situation but they still have to fulfill their duties within the guidelines.

Mr. Gilbertson said when they finish this application he would like to have a discussion with Gwen that he was really surprised this didn't require a building permit and this all would have been avoided if there had been a building permit required. This is really an issue.

Mr. Sheil said there was actually a discussion at a meeting of this Committee back in 2006 about providing some sort of notice to people who were in the district.

Mr. DeSmet said they sent it out to two years ago to everyone.

Mr. Duggan said they are not including any adjustments or optional changes.

The vote on the proposal was 0 to 3. Mr. Burkholder didn't vote and Jay White recused himself. The final vote was 0 – 3 – 2.

Approval of October 13, 2009 Minutes:

Upon motion by Ms. Mears and Mr. White the October 13, 2009 minutes were approved on a vote of 3 to 0.

Other Business:

Ben Huffman, a resident at 21 Cliff Street, said he has had an interest in Montpelier planning and the design review function. He has been reawakened by the situation Bob Sheil has had since he is his neighbor. He has talked with him and found out the difficulty that both he and the DRC have been in. The reawakening refers to the fact that in the 80's he spent several years on the Planning Commission at which point the Planning Commission did what the current Development Review Board does. At least the people deciding on the policy are recommending, analyzing it and proposing it, and the people who have to live with it are the same people. He found that experience to be very beneficial both ways. He wonders what appears to him to be the current proliferation of committees and thereby dissecting up of responsibilities is really that valuable. This leads him to an observation. It is apparent that the DRC are not the policy committee. He wants to very succinctly offer a couple of observations that seems to be problematic with the design review function. Given the conversation he had last week with Gwen Hallsmith right now is a pretty yeasty time with the city planning function in that you are developing a new city wide plan and ordinances. It occurs to him that given the DRC's expertise with the hands on that it might be worth giving some thought as to whether as a group you want to participate in that discussion. A couple of things begging to be addressed are the following. If you look at the Design Review District it is certainly not inclusive of buildings which from his point of view deserve to be treated in the same manner as those within the district are. A sore thumb example in the case of Bob that he noticed there is a building on Park Street next to the Union School. There is a building that has just completed within the last few weeks completely covering it with vinyl siding, trim, and vinyl windows. It is a building which is a far more attractive and interesting historic structure. He doesn't want to argue the merits of vinyl; that is not his interest. The point is that party did not have to go through the process Bob Sheil did. Again, since Bob's situation he has become more observant of other structures in the city that are within the newly expanded Historic District that have seen a lot of vinyl, and a lot of it looks pretty recent. There is a simple issue of equity between people who live in and out of the district and what they have to comply with in terms of having a household. The situation is going to be compounded by the expansion of the Historic District to include what clearly are major portions of the city's architectural heritage without there being some change in the Design Review District. The situation that exists now is not going to change, so you are going to have people who have their buildings on the national list who can do whatever they want and people who have relatively less interesting and important structures have to jump through a bunch of hoops. That raises a real question.

A second issue he has become aware of living where he does is during the period of time the Design Review District has been in effect that in the group of buildings going up hill from Bob's, including his, there are 18 structures. Of those 18 within the life of the Design Review District 9 of them have had substantial changes to the external architectural appearance of those buildings, some of them pretty radical. They either have or have not come here and been approved or they didn't come here and nobody objected. The point simply is when he looks at the criteria he would be hard pressed to say that any of them could satisfy them with maybe one exception. One is a Huntington home that was put up right by the park. The most recent owners have covered it with shingles and it looks a lot

different than it did originally. Essentially, it was prefabricated home. If you were to apply any kind of decent design criteria to a new structure he doesn't think they would have found it compatible. Another one is next to his house that was built by a construction/architectural outfit called Natural Design that just attached to the side of the house is a shed roof with modern design. There is the question as to whether that is a compatible structure.

To his mind the standards are not very clear if they can all be found acceptable. Then, on something as relatively minor as substituting vinyl for clapboard there is something wrong there. To me it suggests there ought to be some substantive review of those criteria and trying to get very clear about what is going to be applied.

In terms of the Design Review District, he noticed sort of the reverse point they made about the high density and the low density residential. The district does not conform to any use pattern or zoning pattern. There is everything from low density residential to office park and everything between. If the whole city is essentially a historic looking place why not apply design review to everybody but have different zones that correspond to the use districts with different criteria that are more reasonable for each of those.

Mr. Duggan said he believes that is the way the ordinance functions.

Mr. DeSmet said Office Park and Riverfront District have different guidelines for design review, but his suggestion is a good one.

Mr. Gilbertson said there is a situation on Barre Street where one side of the street is in and one side of the street out and it leads to difficulties. Design review is not consistent with the National Register nomination. He would be willing to look at the district at some point and make things a little more reasonable. Part of the issue, too, is in education and the city has made efforts at getting information out to people about a variety of things.

Mr. Duggan said for clarity, the differing lines of the district are within the purview of the Historic Preservation Commission who has just recently updated the Historic District again. There is interest in trying to at least bring the Historic District and the Design Review District into similar boundaries. There is an effort to start to bring equity into what is a challenging situation.

Adjournment:

Upon motion by Jay White and Nancy Mears the Design Review Committee adjourned.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator

Transcribed by: Joan Clack